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Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

East Timor

Working paper prepared by the Secretariat

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I. General

1. The Territory of East Timor comprises the eastern part of the island of Timor, which is located at the extreme tip of the Nusa tenggara archipelago, some nine degrees south of the Equator; the enclave of Ocusse Ambeno, situated in West Timor some 120 kilometres west of the East Timor-West Timor border; the island of Atauro, off the northern coast of East Timor; and the island of Jaco, off its extreme eastern tip. The total area of East Timor is about 14,876 square kilometres.

2. Geographically, the terrain of East Timor is rugged, with high mountains rising abruptly from the sea along the northern coast. A central range of mountains creates a watershed, with rivers running north and south. The southern coastal plain is generally wide, with swampy areas at the river mouths and deltas.

3. The climate of East Timor is tropical. Two seasons may be distinguished: a dry one lasting from May to November and a rainy season from December to April, during which, under the influence of the north-west monsoon, violent downpours frequently occur making certain areas, especially in the mountainous interior, inaccessible by land.

II. Political developments and consideration by the United Nations

4. On 5 May 1999, the Governments of Indonesia and Portugal signed an Agreement entrusting the Secretary-General with the organization and conduct of a popular consultation for the purpose of ascertaining whether the East Timorese people would accept or reject a proposed constitutional framework providing for special autonomy for East Timor within the unitary Republic of Indonesia (see A/53/951-S/1999/513).

5. In addition to the Agreement, the Governments of Indonesia and Portugal also signed, on 5 May, two supplementary agreements with the United Nations on the modalities for the popular consultation of the East Timorese through a direct ballot and on security arrangements (A/53/951-S/1999/513, annexes II and III).

6. On 7 May 1999, the Security Council adopted resolution 1236 (1999), in which the Council welcomed the concluding of the Agreements and the intention of the Secretary-General to establish a United Nations presence, with a view to assisting in the implementation of the Agreements.

7. On 11 June 1999, the Security Council adopted resolution 1246 (1999) establishing the United Nations Mission in East Timor (UNAMET) until 31 August 1999 to organize and conduct a popular consultation, scheduled for 8 August 1999, on the basis of a direct, secret and universal ballot. The Security Council, *inter alia*, endorsed the Secretary-General's proposals contained in his report to the Security Council (S/1999/595) on the composition of UNAMET and called upon all parties to cooperate with UNAMET in the implementation of its mandate. The Secretary-General appointed Ian Martin as his Special Representative for the Popular Consultation in East Timor and head of the United Nations Mission in East Timor. Jamsheed Marker, the Personal Representative of the Secretary-General for East Timor who had led on behalf of the Secretary-General most of the negotiations leading to the 5 May Agreements, continued in his functions.

8. UNAMET became operational at a rapid pace, deploying electoral officers to the interior of East Timor. An Independent Electoral Commission responsible for the overall assessment of the consultation process was constituted.

9. On 10 July 1999, the Secretary-General proposed that registration begin on 16 July (22 June had been the original scheduled date) in order to give time to resolve the security situation (see S/1999/773) . On 14 July, in a letter to the Security Council (S/1999/786), the Secretary-General noted that all the necessary conditions did not exist for the peaceful implementation of the consultation in East Timor. The security situation in the Territory as a whole remained serious. Violence and intimidation had continued to be carried out by pro-autonomy militias. However, based on positive assurances by the Indonesian authorities that improvements in the security situation would be observed in the immediate future, the Secretary-General determined that the registration process should begin. The 20-day registration period was extended by two days in East Timor and four days outside East Timor.

10. By letter dated 28 July 1999 (S/1999/830), the Secretary-General informed the Security Council of his decision to postpone the date of the consultation until 30 August 1999. He explained that he had taken that decision for technical reasons and as a consequence of the delay in the start of registration, which had been necessary in order to seek an improvement in the security situation in the Territory.

11. On 3 August 1999, the Security Council adopted resolution 1257 (1999), by which it decided to extend the mandate of UNAMET until 30 September 1999.

12. On 30 August 1999, fully 98.6 per cent of the total 446,953 registered voters participated in the vote. The vote counting was completed on 4 September and was reported to the President of the General Assembly and the President of the Security Council (see S/1999/944). The results were as follows: 344,580 (78.5 per cent) voted to reject and 94,388 (21.5 per cent) voted to accept the proposed special autonomy.

13. Following the vote, the security situation in East Timor deteriorated, and after the announcement of the results, there was an eruption of violence (see A/54/654). Pro-integration militias and members of the Indonesian military and the police conducted operations through population centres, ransacking towns and forcibly displacing hundreds of thousands of East Timorese to the hinterlands and to West Timor. UNAMET was forced to evacuate all of its offices, except for the Dili headquarters.

14. On 6 September 1999, the President of Indonesia announced martial law would be instituted in East Timor. On that same day, the Security Council decided to send a mission to Indonesia and East Timor to relay its concerns to the Government of Indonesia. The mission was led by the representative of Namibia and included the representatives of Malaysia, Slovenia, the United Kingdom of Great Britain and Northern Ireland and the Netherlands. The mission held meetings with the President, the Foreign Minister and the Minister of Defence, as well as with Megawati Sukarnoputri, leader of the Indonesian Democratic Party for Struggle (PDIP), Xanana Gusmao of the National Council of Timorese Resistance (CNRT), members of civil society, the diplomatic corps and United Nations staff. It also visited Dili on 11 September. In New York, the Security Council held a formal meeting on 11 September; 52 Member States participated in the debate on the question of East Timor.

15. On 12 September 1999, as violence and destruction continued in East Timor, the President of Indonesia informed the Security Council that he was inviting an international force to cooperate with Indonesia in restoring peace and security in East Timor. The violence and arson had resulted in the near-total destruction of towns and villages and the flight and forced displacement of an estimated 200,000 East Timorese into West Timor.

16. On 15 September 1999, the Security Council, acting under Chapter VII of the Charter of the United Nations, adopted resolution 1264 (1999), by which it authorized the establishment of a multinational force empowered to use all necessary measures to restore peace and security in East Timor.

17. On 20 September 1999, the International Force, in East Timor (INTERFET), led by Australia, began deploying in East Timor.

18. On 27 September 1999, the Commission on Human Rights, at a specially convened session, adopted resolution 1999/S-4/1, calling for the establishment of an international commission of inquiry on East Timor, in cooperation with the Indonesian National Commission on Human Rights and thematic rapporteurs, with adequate representation of Asian experts, to gather and compile systematically information on possible violations of human rights in the Territory, which might constitute breaches of international humanitarian law, since the announcement of the vote and to provide the Secretary-General with its conclusions, with a view to enabling him to make recommendations on future action.[1]

19. The Secretary-General submitted a further report on 4 October 1999 (S/1999/1024), in which he noted that the Indonesian army had reduced its strength and its presence was limited to the Dili area. A Humanitarian Coordinator for the East Timor crisis was appointed on 11 September 1999 and worked with humanitarian relief partners and INTERFET to provide relief support to the internally displaced populations as well as those displaced in West Timor, who gradually began to return to those areas secured by INTERFET.

20. In his report, the Secretary-General proposed, in line with the Agreements of 5 May 1999, and to prepare East Timor for independence, the establishment of a United Nations Transitional Administration in East Timor (UNTAET), which would be entrusted with the overall responsibility for the administration of East

Timor, and would be empowered to exercise all legislative and executive authority, including the administration of justice for a period of two or three years.

21. On 25 October 1999, by resolution 1272 (1999), the Security Council, acting under Chapter VII of the Charter of the United Nations, established UNTAET for an initial period until 31 January 2001, in accordance with the proposals contained in the report of the Secretary-General. The Security Council decided that the mandate of UNTAET should consist of the following elements:

(a) To provide security and maintain law and order throughout the territory of East Timor;

(b) To establish an effective administration;

(c) To assist in the development of civil and social services;

(d) To ensure the coordination and delivery of humanitarian assistance, rehabilitation and development assistance;

(e) To support capacity-building for self-government;

(f) To assist in the establishment of conditions for sustainable development.

22. The Security Council further decided that UNTAET would have the objectives and structure set out in the report of the Secretary-General, and in particular its main components would be:

(a) A governance and public administration component, including an international police element with a strength of up to 1,640 officers;

(b) A humanitarian assistance and emergency rehabilitation component;

(c) A military component, with a strength of up to 8,950 troops and up to 200 military observers.

23. The Security Council stressed the importance of cooperation between Indonesia, Portugal and UNTAET in the implementation of the resolution and the need for UNTAET to consult and cooperate with the East Timorese people. The Council further stressed the responsibility of the Indonesian authorities to take immediate and effective measures to ensure the safe return of refugees in West Timor and other parts of Indonesia to East Timor.

24. The Secretary-General appointed Sergio Vieira de Mello as Special Representative of the Secretary-General and Transitional Administrator in East Timor. In his report to the Security Council of 26 January 2000 (S/2000/53), the Secretary-General pointed out that the National Consultative Council of East Timor (NCC) was established as the primary mechanism through which the representatives of the East Timorese people participate in the decision-making process. NCC was composed of 15 members: seven representatives from CNRT, one from the Catholic Church, and three representatives of political groups outside CNRT which had supported autonomy. UNTAET has four seats on NCC, including the Transitional Administrator, as chairman.

25. Steps towards reconciliation were facilitated by the strong will on the part of both the Government of Indonesia and CNRT to establish good relations. At the invitation of President Abdurrahman Wahid, a CNRT delegation led by Xanana Gusmao visited Jakarta from 27 November to 1 December 1999.

26. Mr. Vieira de Mello visited Jakarta from 12 to 14 December 1999 and met with President Wahid and the Ministers for Foreign Affairs, Defence, Political and Security Coordination, and Mines and Energy, as well as other senior officials, including the Armed Forces Command. He discussed a number of issues, including the possibility of official Indonesian representation in East Timor, UNTAET liaison arrangements in West Timor, the resumption of air services to East Timor by Indonesian carriers, future commercial links and cooperation on banking and financial services.

27. On 17 December 1999, the General Assembly adopted resolution 54/194, by which the Assembly welcomed the successful conduct of the popular consultation of the East Timorese people on 30 August 1999 and decided to conclude its consideration of the item entitled "Question of East Timor" and to include in the provisional agenda of its fifty-fifth session a new item entitled "The situation in East Timor during its transition to independence".

28. An Indonesian Commission of Inquiry into Human Rights Violations in East Timor in 1999 carried out its investigation and submitted its report to the Indonesian Attorney-General on 31 January 2000.

29. The United Nations International Commission of Inquiry visited East Timor from 25 November to 3 December 1999 and Indonesia from 5 to 8 December

1999. It submitted its report to the Secretary-General on 31 January 2000 (A/54/726-S/2000/59) who transmitted it to the General Assembly and the Security Council. The Secretary-General, in his letter, stated that he was encouraged by the commitment shown by the President of Indonesia to uphold the law and to support fully the investigation and prosecution of the perpetrators through the national investigative process under way in Indonesia. The International Commission's report stated that the evidence gathered demonstrated a pattern of serious violations of fundamental human rights and humanitarian law. It recommended that follow-up investigatory process be established urgently. By letter dated 31 January 2000 (A/54/727-S/2000/65), the Secretary-General transmitted to the General Assembly and the Security Council a letter dated 26 January 2000 from the Minister for Foreign Affairs of Indonesia, in which he stated that Indonesia rejected the resolution adopted by the Commission on Human Rights at its special session concerning the International Commission of Inquiry on East Timor but offered a few general observations on the Commission's report. The Minister for Foreign Affairs stated that the recommendations of the International Commission to establish an international human rights tribunal were unacceptable and indicated that Indonesia's efforts to address the problem of human rights violations in East Timor through its national judicial mechanism should be viewed from a wider perspective, especially in the light of the commitment of the new Indonesian Government to promote democracy, good governance and respect for human rights and fundamental freedoms.

30. The transition from INTERFET to a United Nations peacekeeping force started on 1 February 2000 and concluded on 22 February. Lieutenant-General Jaime de los Santos (Philippines), was appointed commander of the peacekeeping force.

31. The Secretary-General visited East Timor on 17 and 18 February 2000. He visited the town of Liquica, and held a number of meetings with the Transitional Administrator, CNRT leader Xanana Gusmao, Bishop Carlos Filipi Belo and Bishop Basilio Nascimento. He also attended a special meeting of the National Consultative Council. Prior to his visit to East Timor, the Secretary-General had visited Indonesia where he held meetings with President Wahid and other Indonesian officials.

32. The President of Indonesia visited East Timor on 29 February 2000. During his visit, a communiqué was signed between Indonesia and the United Nations to provide concrete steps towards the improvement of bilateral relations.

Notes

[1] *Official Records of the Economic and Social Council, 1999, Supplement No. 3A* (E/1999/23/Add.1), chap. II.

Annex

Relevant General Assembly and Security Council documents on East Timor during the period covered in the present working paper

Symbol	*Title*
General Assembly documents	
A/53/7/Add.13	Report of the Advisory Committee on Administrative and Budgetary Questions: fourteenth report: Question of East Timor
A/53/7/Add.14	Report of the Advisory Committee on Administrative and Budgetary Questions: fifteenth report: Question of East Timor
A/53/485/Add.3 and Add.5	Programme budget for the biennium 1998-1999: reports of the Fifth Committee
A/53/951-S/1999/513	Question of East Timor: report of the Secretary-General
A/54/121	Note verbale dated 2 June 1999 from the Chargé d'affaires a.i. of the Permanent Mission of Portugal to the United Nations addressed to the Secretary-General
A/54/231	Request for the inclusion of an additional item in the agenda of the fifty-fourth session: financing of the United Nations Mission in East Timor
A/54/236 and Add.1	Request for the inclusion of an additional item in the agenda of the fifty-fourth session: financing of the United Nations Transitional Administration in East Timor
A/54/380	Financing of the United Nations Mission in East Timor: report of the Secretary-General
A/54/406	Financing of the United Nations Mission in East Timor: report of the Advisory Committee on Administrative and Budgetary Questions
A/54/505	Financing of the United Nations Mission in East Timor: report of the Fifth Committee
A/54/583	Question of East Timor: report of the Special Political and Decolonization Committee (Fourth Committee)
A54/653	Financing of the United Nations Transitional Administration in East Timor: report of the Advisory Committee on Administrative and Budgetary Questions
A/54/654	Question of East Timor: progress report of the Secretary-General
A/54/660	Situation of human rights in East Timor: note by the Secretary-General
A/54/687 and Add.1	Financing of the United Nations Transitional Administration in East Timor: report of the Fifth Committee
A/54/716	Letter dated 19 January 2000 from the Permanent Representative of Portugal to the United Nations addressed to the Secretary-General
A/54/726-S/2000/59	Identical letters dated 31 January 2000 from the Secretary-General addressed to the President of the General Assembly, the President of the Security Council and the Chairperson of the Commission on Human Rights

Symbol	*Title*
A/54/727-S/2000/65	Identical letters dated 31 January 2000 from the Secretary-General addressed to the President of the General Assembly, the President of the Security Council and the Chairperson of the Commission on Human Rights
A/C.3/54/3	Note verbale dated 1 October 1999 from the General Secretariat of the Council of the European Union addressed to the Secretary-General
A/C.3/54/9	Letter dated 1 October 1999 from the Permanent Representative of Finland to the United Nations addressed to the Secretary-General
A/C.4/54/7	Request for hearing: Letter dated 1 October 1999 from Mr. Joseph Saunders, Human Rights Watch, addressed to the Chairman of the Special Political and Decolonization Committee (Fourth Committee)
A/C.4/54/7/Add.1	Request for hearing: Letter dated 1 October 1999 from Mr. Rachland Nashidik and Mr. Rafendi Djamin, Indonesian Legal Aid and Human Rights Association (PBHI), addressed to the Chairman of the Special Political and Decolonization Committee (Fourth Committee)
A/C.4/54/7/Add.2	Request for hearing: Letter dated 4 October 1999 from Mr. Charles Scheiner, International Federation for East Timor, addressed to the Chairman of the Special Political and Decolonization Committee (Fourth Committee)
A/C.4/54/7/Add.3	Request for hearing: Letter dated 5 October 1999 from Mr. Constancio Pinto, addressed to the Chairman of the Special Political and Decolonization Committee (Fourth Committee)
A/C.4/54/7/Add.4	Request for hearing: Letter dated 5 October 1999 from Mr. Carl Senna, Providence Journal Bulletin, addressed to the Chairman of the Special Political and Decolonization Committee (Fourth Committee)
A/C.4/54/7/Add.5	Request for hearing: Letter dated 5 October 1999 from Mr. Jose Luis Guterres, National Council of Timorese Resistance, addressed to the Chairman of the Special Political and Decolonization Committee (Fourth Committee)
A/C.4/54/SR.12	Summary record of the 12th meeting: Special Political and Decolonization Committee (Fourth Committee)
A/C.5/53/61	Question of East Timor: report of the Secretary-General
A/C.5/53/63	Question of East Timor: report of the Secretary-General
Resolutions	
53/240	Question of East Timor
54/20	Financing of the United Nations Mission in East Timor
54/96 H	Assistance for humanitarian relief, rehabilitation and development for East Timor
54/194	Question of East Timor
54/246 A and B	Financing of the United Nations Transitional Administration in East Timor

Security Council documents

S/1999/25/Add.17, 22, 25, 33-36, 42 and 50	Summary statements by the Secretary-General on matters of which the Security Council is seized and on the stage reached in their consideration
A/53/951-S/1999/513	Question of East Timor: report of the Secretary-General

Symbol	*Title*
S/1999/547	Letter dated 11 May 1999 from the Permanent Representative of Germany to the United Nations addressed to the Secretary-General
S/1999/595	Question of East Timor: report of the Secretary-General
S/1999/602	Letter dated 21 May 1999 from the Secretary-General addressed to the President of the Security Council
S/1999/603	Letter dated 25 May 1999 from the President of the Security Council addressed to the Secretary-General
S/1999/612	Letter dated 27 May 1999 from the Permanent Representative of Indonesia to the United Nations addressed to the President of the Security Council
S/1999/679	Letter dated 11 June 1999 from the Secretary-General addressed to the President of the Security Council
S/1999/680	Letter dated 15 June 1999 from the President of the Security Council addressed to the Secretary-General
S/1999/705	Question of East Timor: report of the Secretary-General
S/1999/709	Letter dated 21 June 1999 from the Secretary-General addressed to the President of the Security Council
S/1999/710	Letter dated 23 June 1999 from the President of the Security Council addressed to the Secretary-General
S/1999/735	Letter dated 25 June 1999 from the Secretary-General addressed to the President of the Security Council
S/1999/736	Letter dated 30 June 1999 from the President of the Security Council addressed to the Secretary-General
S/1999/750	Letter dated 2 July 1999 from the Secretary-General addressed to the President of the Security Council
S/1999/751	Letter dated 6 July 1999 from the President of the Security Council addressed to the Secretary-General
S/1999/773	Letter dated 10 July 1999 from the Secretary-General addressed to the President of the Security Council
S/1999/782	Letter dated 13 July 1999 from the Permanent Representative of Indonesia to the United Nations addressed to the President of the Security Council
S/1999/786	Letter dated 14 July 1999 from the Secretary-General addressed to the President of the Security Council
S/1999/791	Letter dated 16 July 1999 from the Permanent Representative of Indonesia to the United Nations addressed to the President of the Security Council
S/1999/803	Question of East Timor: report of the Secretary-General
S/1999/822	Letter dated 26 July 1999 from the Secretary-General addressed to the President of the Security Council
S/1999/830	Letter dated 28 July 1999 from the Secretary-General addressed to the President of the Security Council
S/1999/847	Note verbale dated 8 August 1999 from the Permanent Mission of Angola to the United Nations addressed to the President of the Security Council
S/1999/862	Question of East Timor: report of the Secretary-General

Symbol	*Title*
S/1999/944	Letter dated 3 September 1999 from the Secretary-General addressed to the President of the Security Council
S/1999/946	Letter dated 5 September 1999 from the President of the Security Council addressed to the Secretary-General
S/1999/950	Letter dated 7 September 1999 from the Permanent Representative of Ireland to the United Nations addressed to the Secretary-General
S/1999/951	Letter dated 6 July 1999 from the President of the Security Council addressed to the Secretary-General
S/1999/955	Letter dated 8 September 1999 from the Permanent Representative of Portugal to the United Nations addressed to the President of the Security Council
S/1999/956	Letter dated 8 September 1999 from the Chargé d'affaires a.i. of the Permanent Mission of Angola to the United Nations addressed to the President of the Security Council
S/1999/961	Letter dated 9 September 1999 from the Permanent Representative of Brazil to the United Nations addressed to the President of the Security Council
S/1999/963	Letter dated 10 September 1999 from the Permanent Representative of Portugal to the United Nations addressed to the President of the Security Council
S/1999/972	Letter dated 14 September 1999 from the President of the Security Council addressed to the Secretary-General
S/1999/973	Letter dated 14 September 1999 from the Permanent Representative of Ethiopia to the United Nations addressed to the President of the Security Council
S/1999/974	Letter dated 14 September 1999 from the Permanent Representative of the United Arab Emirates to the United Nations addressed to the Secretary-General
S/1999/975	Letter dated 14 September 1999 from the Minister for Foreign Affairs of Australia addressed to the Secretary-General
S/1999/976 and Corr.1	Report of the Security Council Mission to Jakarta and Dili, 8 to 12 September 1999
S/1999/1004	Letter dated 21 September 1999 from the Permanent Representative of Finland to the United Nations addressed to the Secretary-General
S/1999/1024	Report of the Secretary-General on the situation in East Timor
S/1999/1025	Letter dated 4 October 1999 from the Secretary-General addressed to the President of the Security Council
S/1999/1052	Identical letters dated 12 October 1999 from the Permanent Representative of Indonesia to the United Nations addressed to the Secretary-General and to the President of the Security Council
S/1999/1055	Identical letters dated 13 October 1999 from the Permanent Representative of Australia to the United Nations addressed to the Secretary-General and to the President of the Security Council
S/1999/1072	Letter dated 15 October 1999 from the Secretary-General addressed to the President of the Security Council
S/1999/1093	Letter dated 25 October 1999 from the Secretary-General addressed to the President of the Security Council

Symbol	*Title*
S/1999/1094	Letter dated 26 October 1999 from the President of the Security Council addressed to the Secretary-General
S/1999/1106	Letter dated 29 October 1999 from the Secretary-General addressed to the President of the Security Council
S/1999/1123	Letter dated 2 November 1999 from the Permanent Representative of Finland to the United Nations addressed to the Secretary-General
S/1999/1146	Letter dated 8 November 1999 from the Permanent Representative of Australia to the United Nations addressed to the Secretary-General
S/1999/1148	Letter dated 8 November 1999 from the Permanent Representative of Rwanda to the United Nations addressed to the President of the Security Council
S/1999/1169	Letter dated 12 November 1999 from the Secretary-General addressed to the President of the Security Council
S/1999/1248	Letter dated 14 December 1999 from the Secretary-General addressed to the President of the Security Council
S/2000/53 and Add.1	Report of the Secretary-General on the United Nations Transitional Administration in East Timor
A/54/726-S/2000/59	Identical letters dated 31 January 2000 from the Secretary-General addressed to the President of the General Assembly, the President of the Security Council and the Chairperson of the Commission on Human Rights
S/2000/62	Letter dated 25 January 2000 from the Secretary-General addressed to the President of the Security Council
S/2000/63	Letter dated 28 January 2000 from the President of the Security Council addressed to the Secretary-General
A/54/727-S/2000/65	Identical letters dated 31 January 2000 from the Secretary-General addressed to the President of the General Assembly, the President of the Security Council and the Chairperson of the Commission on Human Rights
S/2000/92	Letter dated 8 February 2000 from the Secretary-General addressed to the President of the Security Council
S/2000/96	Letter dated 8 February 2000 from the Permanent Representative of Portugal to the United Nations addressed to the Secretary-General
S/2000/137	Letter dated 18 February 2000 from the President of the Security Council addressed to the Secretary-General
Resolutions	
1236 (1999)	Security Council resolution on United Nations presence in East Timor to assist in the Popular Consultation
1246 (1999)	Security Council resolution on the establishment of the United Nations Mission in East Timor
1257 (1999)	Security Council resolution on the extension of the mandate of the United Nations Mission in East Timor
1262 (1999)	Security Council resolution on the extension of the mandate of the United Nations Mission in East Timor
1264 (1999)	Security Council resolution on the establishment of a multinational force
1272 (1999)	Security Council resolution on the establishment of the United Nations Transitional Administration in East Timor